

REMARKS

Claims 2 to 33 were pending when last examined. Applicant has amended claims 4, 6, 9, 14 to 17, 22, 25 to 27, and 31 to 33, and canceled claims 3, 18, and 21. Claims 2, 4 to 17, 19, 20, and 22 to 33 remain pending.

§ 103 Rejections

The Examiner rejected claims 2, 6, 9 to 14, and 16 to 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0100679 ("Kuo et al.") in view of European Patent Application Publication No. 1 275 997 ("Kato et al."). However, Kuo et al. is disqualified as § 102(e) prior art in a § 103(a) rejection. 35 U.S.C. § 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsection (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. §103(c) (emphasis added). Kuo et al. only qualifies as a § 102(e) prior art because it is a published application for patent filed by another before the filing date of present application. The present application and Kuo et al. were, at the time the invention of present application was made, owned by or subject to an obligation of assignment to Advanced Nano Systems, Inc., now renamed Advanced NuMicro Systems, Inc. Thus, Kuo et al. is disqualified as prior art in the 35 U.S.C. § 103(a) rejection. Accordingly, Applicant requests the Examiner to withdraw the rejection of claims 2, 6, 9 to 14, and 16 to 18.

Applicant has amended claim 6 to better describe the invention. Applicant has also amended claims 4, 9, and 14 to 17 to depend from amended claim 6.

Allowable Subject Matter

Applicant thanks the Examiner for allowing claims 19 to 33. Applicant has amended claim 22 to better describe the invention. Applicant has also amended claims 25 to 27 and 31 to 33 to depend from amended claim 22. The scope of the allowed claims has not been broadened and they should remain allowed.

Applicant thanks the Examiner for indicating that claims 4, 5, 7, 8, and 15 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has not amended claims 4, 5, 7, 8, and 15 since Applicant has overcome the § 103(a) rejection of their base claim 2.

Summary

Claims 2 to 33 were pending when last examined. Applicant has amended claims 4, 6, 9, 14 to 17, 22, 25 to 27, and 31 to 33, and canceled claims 3, 18, and 21. Applicant respectfully requests the Examiner to withdraw the claim rejections and allow claims 2, 4 to 17, 19, 20, and 22 to 33. Should the Examiner have any questions, please call the undersigned at (408) 382-0480.

Respectfully submitted,

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